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C O N F I D E N T I A L SECTION 01 OF 04 BEIJING 002104

SIPDIS

DEPARTMENT FOR DRL

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TAGS: [PHUM](#) [PREL](#) [KOLY](#) [NK](#) [BR](#) [CH](#)
SUBJECT: THE U.S.-CHINA HUMAN RIGHTS DIALOGUE, WORKING
LUNCH, MAY 26, 2008: UNHRC, ICCPR, NORTH KOREA, BURMA

Classified By: POLITICAL MINISTER COUNSELOR AUBREY CARLSON. REASONS 1.4
(B) AND (D).

[1](#)1. (U) May 26, 2008; 1:30 p.m.; Beijing, Diaoyutai State
Guesthouse

[1](#)2. (U) Participants:

U.S.
David J. Kramer, Assistant Secretary of State for Democracy,
Rights, and Labor
John V. Hanford, Ambassador at Large for International
Religious Freedom
Thomas Christensen, Deputy Assistant Secretary of State for
East Asian and Pacific Affairs
Dan Picutta, Charge d'Affairs, a.i., Embassy Beijing
Robert K. Harris, Assistant Legal Advisor, Department of State
Richard W. Behrend, PRM Advisor, Department of State
Susan O'Sullivan, Senior Advisor, Bureau of Democracy,
Rights, and Labor, Department of State
Dan Kritenbrink, Internal Unit Chief, Political Section,
Embassy Beijing
Emilie L. Kao, Foreign Affairs Officer, Bureau of Democracy
Rights, and Labor, International Religious Freedom,
Department of State
Jeannette M. Windon, Special Assistant, Office of Democracy
and Global Affairs, Department of State
Andrea Goodman, Political Officer, Bureau of East Asian and
Pacific Affairs, Department of State
Steve Goldrup, Second Secretary, Embassy Beijing
Gregory May, Second Secretary, Embassy Beijing (notetaker)
James Brown, Interpreter

PRC
Wu Hailong, Director General, International Organizations and
Conferences Department, MFA
Shen Yongxiang, Deputy Director General, International
Organizations and Conferences Department, MFA
Yao Maochen, Deputy Inspector of United Front Work
Department, CPC Central Committee
Teng Wei, Deputy Director General, Criminal Division,
Legislative Affairs Commission of the National People's
Congress Standing Committee
Wan Yonghai, Presiding Judge, Second Criminal Division,
Supreme People's Court
Sun Maoli, Deputy Director General, Legal Affairs Department,
Ministry of Public Security
Liu Guoyu, Deputy Director General, Prison Administration
Department, Ministry of Justice
Guo Wei, Director General, Foreign Affairs Department, State
Administration for Religious Affairs
Liu Zhengrong, Director General (acting), Internet
Department, State Council Information Office
Suolang Renzeng, Deputy Chief, Administration for Ethnic and

Religious Affairs, Tibetan Autonomous Region
Zhao Yubin, Director, North American and Oceanian Affairs
Department, MFA
Yan Jiarong, Director, International Organizations and
Conferences Department, MFA
Yao Shaojun, Deputy Director, International Organizations and
Conferences Department, MFA
Xu Jing, Deputy Director, International Organizations and
Conferences Department, MFA Zheng Zeguang, Director General,
North American and Oceanian Affairs
Zu Yanwei, Attache, International Organizations and
Conferences Department, MFA
Liu Lingxiao, Attache, International Organizations and
Conferences Department, MFA
Fang Qiang, Interpreter, MFA

Summary

13. (C) China and the United States should cooperate more on human rights issues in the United Nations, Shen Yongxiang, Deputy Director General of the MFA's Department of International Organizations, said during a May 26 working lunch. DDG Shen said the United States should reengage with the Council in order to improve it. DDG Shen said China intends to invite the new UN High Commissioner for Human Rights to visit, saying there was not enough time left in current Commissioner Louise Arbour's term for this. DRL Assistant Secretary Kramer countered that Arbour would welcome a chance to visit China. DDG Shen said China will continue to host visits by UN Special Rapporteurs at a rate of one per year. China is working toward ratification of the

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International Covenant on Civil and Political Rights (ICCPR) but must still accomplish further legal reforms, including a review of China's Reeducation Through Labor (RTL) system, in order to comply with the Covenant. On North Korean refugees, Director General Wu Hailong repeated standard points that North Koreans in China are "economic migrants." However, China has been cooperative with the UNHCR and will allow the remaining five North Koreans under UNHCR care to depart for third countries by the end of June. EAP DAS Christensen urged China to press Burma to grant access to foreign disaster relief experts. DG Wu said Burma continues to be suspicious of the United States, yet the Burmese regime is taking positive steps, including accepting U.S. material assistance. End Summary.

UN Human Rights Council

14. (C) DDG Shen Yongxiang began the May 26 working lunch with an appeal that the United States and China work more closely in the UN Human Rights Council. Shen argued that more cooperation in the UN between the United States and China in the area of human rights would improve the international image of both countries. China is ready to work with the United States to promote a UN body that is "fair, objective and non-selective." DDG Shen complained that, following the "serious crimes" carried out by rioters in Lhasa March 14, the United States "violated the proceedings" of the UN Human Rights Council by unfairly accusing China of rights violations in Tibet. China hopes the United States will participate in a "more productive way" in the Human Rights Council. China supports the current process of universal periodic review in the Human Rights Council, and the United States should take the review process seriously. DDG Shen encouraged the United States to participate in the upcoming Durban UN World Conference Against Racism.

15. (C) A/S Kramer responded that the United States is extremely disappointed in the UN Human Rights Council. The periodic review process is a possible positive mechanism, but it is too early to tell how successful that mechanism will be. On Durban, A/S Kramer said that while it will ultimately

be up to the next administration to decide whether the United States participates, this would be "extremely difficult" unless there is a major overhaul of the approaches to be taken at the conference. A/S Kramer noted that Canada has already announced it will skip the Durban conference and Israel has serious reservations. DDG Shen said that while China "respects" the views of the United States and its disappointment with the Human Rights Council, some current deficiencies could have been avoided had the United States been more engaged at the start of the reform process. DDG Shen said the United States and other Western countries backed the idea that the support of one-third of Human Rights Council members is enough to hold a special session, whereas China believes a 50-percent threshold would have been fairer.

Assistant Legal Advisor Harris said that the United States agreed that the Council should not have double standards or be politicized. The Council should be willing to address fairly the most serious human rights abuses wherever they occur. However, the United States believes it is a double standard for the Council to hold many special sessions and adopt one-sided resolutions concerning Israel while failing to hold special sessions on the most serious human rights problems (for example Zimbabwe). Meanwhile, the Council in its first year issued only two special mechanisms mandates, which involved Cuba and Belarus. As a practical matter, China's earlier proposal to require a 50-percent majority for calling special sessions would not prevent special sessions involving Israel. However, a 50-percent threshold might have proven to be a barrier to convening special sessions regarding other countries with profound human rights problems.

Visits by UN Commissioners, Special Rapporteurs

16. (C) A/S Kramer urged China to host more Special Rapporteurs and to invite UN Human Rights Commissioner Louise Arbour to visit Tibet. DDG Shen said China is "open and positive" about receiving a visit by the Commissioner. However, her term will expire this year. China thus will extend an invitation to the new Commissioner. Kramer replied that Arbour would welcome the chance to visit China before her term expires and could easily find time on her schedule. Harris added that the possibility of visiting Tibet is the reason Arbour wants to make a visit during the last months of

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her tenure. China, DDG Shen said, also welcomes visits by various UN Special Rapporteurs and already has extended invitations to the Rapporteurs on religious freedom and education, among others. China's goal is to host a visit by one Special Rapporteur per year. However, China has not hosted such visits in the last two years while the UN Human Rights Council structure has been under review. Once the review is complete, China will resume issuing invitations. However, DDG Shen added, China must balance the timing and sequencing of Special Rapporteur visits between the political, cultural and social realms. Harris commented that the United States hosts on average three Special Rapporteurs per year and has had several visits in the past two years.

ICCPR

17. (C) China is "positive" about the International Covenant on Civil and Political Rights (ICCPR), DDG Shen asserted, and since signing the Covenant has been making efforts to prepare for ratification. Since 2003, China has engaged in a series of judicial reforms that will help smooth eventual ratification. However, China still must make additional reforms to its criminal justice system in order to comply with the ICCPR, and is currently reviewing its Reform Through Labor (RTL) system. All of these changes will create favorable conditions for ratification of the ICCPR. Finally, China's Ministry of Foreign Affairs is working with the United Nations to resolve "inconsistencies" that have been identified in the Chinese translation of the ICCPR. China,

DDG Shen averred, is even more "eager" to ratify the ICCPR than the United States is to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR). Harris noted that the United States has not yet announced an intention to ratify the ICESCR because, like China, the United States wants to be absolutely sure that it can implement all the Covenant's provisions.

North Korea

18. (C) PRM Advisor Behrend urged China to stop repatriating North Korean refugees against their will, particularly those seeking protection from the UN High Commission for Refugees (UNHCR) office in China. China should improve access for North Korean refugees to UNHCR and grant Chinese citizenship to children of mixed Chinese-North Korean parentage, which would allow them access to schools and other social services.

Director General Wu Hailong responded that North Koreans in China are not "refugees" but rather economic migrants who have entered the country illegally. Nevertheless, China has cooperated in the cases of 30 North Koreans under UNHCR care.

By June, China will approve the departure to third countries of the remaining five North Koreans still under UNHCR care in China. DG Wu urged the United States not to allow U.S. nationals to break Chinese law by becoming involved with North Korean illegal migrants. DG Wu noted that illegal migrants from North Korea had in the past violated Chinese law by storming diplomatic compounds and international schools. The ultimate solution to the North Korean problem is to work toward peace and stability on the Korean peninsula. Once the DPRK economy develops, DG Wu predicted, the number of illegal border crossers from North Korea will decline.

Burma Humanitarian Relief

19. (C) EAP DAS Christensen expressed appreciation for China's help in convincing Burma to accept U.S. cyclone relief assistance. Christensen urged China to push Burma to allow foreign relief workers into the country. Though Burma has accepted supplies from the United States, the Burmese regime should also agree to accept technical experts from around the world. Such experts are needed on the ground to ensure an effective aid operation. DG Wu said China appreciates the help the USG has given to Burma. Any international assistance effort, however, must respect the needs and wishes of Burma. The United States has been hostile to Burma's development, and this, DG Wu said, has led to suspicion on the Burmese side. Despite this, DG Wu continued, Burma is now accepting U.S. aid and recently allowed a visit by U.S. Pacific Command's Admiral Keating. DG Wu observed that Burma remains hesitant to admit aid workers and has not granted entry to a team of Chinese rescue workers. After the devastating earthquake in Sichuan, China has been very open

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to offers of international assistance, DG Wu said, and China's attitude has affected Burma. A/S Kramer praised China's response to the earthquake and openness to outside help. DG Wu said China's openness shows the progress China has made in many areas.

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